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FILED
BOARD OF OPTOMETRISTS
March 6, 2013
Rene P. Clark
Executive Director

By: William Lim
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF OPTOMETRISTS

IN THE MATTER OF THE LICENSE OF: : Administrative Action
: :
LAURA LUKASZEK, O.D. : FINAL CONSENT ORDER
LICENSE NO.: 270A00507100 : :
: :
TO PRACTICE OPTOMETRY IN THE : :
STATE OF NEW JERSEY : :
: :

This matter was opened to the New Jersey State Board of Optometrists ("Board") upon receipt of a complaint to the Division of Consumer Affairs alleging that Laura Lukaszek, O.D. ("Respondent"), telephonically issued a prescription for Provigil, a Schedule IV controlled dangerous substance ("C.D.S."), on December 4, 2009. The prescription was for Respondent's son, who was not her patient, for a medical but not optometric purpose. Respondent holds a certification from the Board to prescribe topical and oral therapeutic pharmaceutical agents ("T.P.A."), but does not hold registrations under state or federal law to prescribe C.D.S. Respondent, represented by her attorney, James A.

Schragger, Esq., appeared before the Board and testified under oath at an investigative inquiry on March 17, 2010, to discuss this matter as well as her general competency with regard to her ability to prescribe medication.

On April 17, 2012, the Attorney General filed an Administrative Complaint alleging that Respondent committed professional misconduct in violation of N.J.S.A. 45:1-21(e), for prescribing a C.D.S. without holding the appropriate licensure and for prescribing such a substance where she knew or should have known it would be used for unauthorized consumption. The matter was transferred to the Hon. Tiffany M. Williams, A.L.J., in the Office of Administrative Law, for a plenary hearing scheduled for January 30, 2013 (Docket No. BDS 08986-2012N).

In order to avoid further proceedings in this matter, Respondent agrees to each and every term of this Final Consent Order. The Board finds the terms of this Final Consent Order to be adequately protective of the public health, safety and welfare.

IT IS, therefore, on this 6 day of March, 2013,
ORDERED THAT:

1. Respondent Laura Lukaszek, O.D., is hereby reprimanded for professional misconduct in violation of N.J.S.A. 45:1-21(e), in that she prescribed medication that exceeded the scope of her practice and her licensure as an optometrist.

2. Respondent's license to practice optometry in this State

is hereby suspended for one year, to be stayed and served as probation, beginning from the date of entry of this Final Consent Order.

3. Respondent's certification to prescribe oral T.P.A. for patients requiring eye treatment or to administer oral T.P.A. to patients in the course of eye treatment is suspended for a minimum of two years, with a minimum of one year active suspension to begin upon the entry of this Final Consent Order, and in accordance with the following terms and conditions:

(a) Respondent shall refrain from prescribing or administering C.D.S., whether topical or oral, in her practice of optometry until such time as she is properly registered to do so with the federal Drug Enforcement Administration and the New Jersey Drug Control Unit.

(b) Respondent's prescribing of T.P.A. shall be limited to topical eye medications for a minimum of one year. During that period she may not prescribe, dispense, or have access to C.D.S. except as prescribed to her. Respondent shall be required to use a prescription pad that incorporates only her name, license number and other pertinent information, and which does not include the names of the other optometrists in her practice, and which shall have imprinted on it the phrase "for topical medication only."

(c) After the completion of a minimum of one year of prescribing limited to topical medication and the satisfactory

completion of the board approved credentialing course in oral medication, Respondent shall appear before the Board or a committee of the Board prior to the reinstatement of her oral T.P.A. certification. At that time, Respondent shall submit proof that she has satisfactorily completed the credentialing course as set forth in Paragraph Four herein and demonstrate that she has implemented the requirements for issuing prescriptions as set forth in this order.

(d) Upon reinstatement of the oral T.P.A. certification, the Board will require that Respondent use sequentially numbered, duplicate prescription pads for all prescriptions for a minimum of one year. If Respondent wishes to electronically or telephonically transmit prescriptions, she shall first submit a plan to the Board for approval for the tracking and logging of all such prescriptions.

(e) Respondent shall provide the original prescription to the patient and attach the copy of the prescription to the patient record. For all prescriptions of oral T.P.A., Respondent shall submit a scanned copy of the prescription electronically via disk or e-mail to the Board, to the attention of: Renee Clark, Executive Director, on a monthly basis. For purposes of this paragraph, "patient record" shall mean the treatment record for the date on which the patient was treated and/or on which the medication was prescribed, as well as a copy of the patient's

medical history, including updates.

(f) Respondent shall be required to account for each consecutively numbered prescription, regardless of whether the particular prescription was voided or for any reason not used.

(g) Should Respondent become registered under State and federal law to prescribe C.D.S., Respondent shall comply with all State and federal laws and regulations governing the purchase, storage, use, and dispensing of C.D.S.

(i) If Respondent administers or dispenses C.D.S. to a patient in her practice, she shall maintain a log for each administration or dispensing event, which log shall include the patient name, date, name of medication, dosage, and units administered or dispensed.

(ii) Respondent shall submit a true copy of the log to the Executive Director of the Board along with a copy of the patient record for each patient listed on a monthly basis.

(h) Respondent shall relinquish all current prescription pads bearing Respondent's name to Renee Clark, Executive Director of the Board, within thirty days of the filing of this order. Until Respondent's oral T.P.A. certification is reinstated, Respondent shall not use or possess any prescription blanks except for the individual pad printed with "for topical use." Upon reinstatement of her oral T.P.A. certification, Respondent shall not use or possess any prescription blanks except for the duplicate

prescription blanks as described above, until further order of the Board.

4. Respondent shall take and successfully complete a Board approved T.P.A. credentialing course, without the C.P.R. component but including the final examination, as defined in N.J.A.C. 13:38-4.3(b). This course shall be pre-approved by the Board and successfully completed within one year of the entry of this order. This course will not be deemed to qualify for continuing education credit pursuant to N.J.A.C. 13:38-2.3(e).

5. Respondent is hereby assessed a penalty in the amount of \$10,000.00. This amount shall be stayed on the condition that all of the terms of this order are met. Should Respondent be found in violation of any of the terms or conditions of this order, the penalty shall immediately become due and owing and payment shall be made to the State Board of Optometrists by certified check or money order and sent to the attention of Renee Clark, Executive Director, 124 Halsey Street, P.O. Box 45012, Newark, New Jersey 07101.

6. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$8,166.00. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than thirty days from the entry of this Consent Order and shall be sent to the attention of the Executive Director as set forth in Paragraph Five above. The

Board, in its sole discretion, may file a Certificate of Debt for this amount, with such certificate to be discharged upon receipt of all amounts outstanding.

7. Upon entry of this Final Consent Order, the Board shall inform the Office of Administrative Law to close this matter.

NEW JERSEY STATE BOARD OF OPTOMETRISTS

By:



Mitchell Fink, O.D.
Board President

I have read the within Final Consent Order.
I understand the Final Consent Order and I agree to be bound by its terms and conditions.
I hereby consent to the entry of this Final Consent Order.


Laura Lukaszek, O.D., Respondent

Dated: 1-10-13

Consented to as to form:


James A. Schragger, Esq.
Attorney for Respondent

Dated: 1.14.2013